

ME

**PETITION TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(b))**

Docket Number (Optional)

#7

RECEIVED

Mail to: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450
Fax: (571) 273-8300

OCT 27 2010

10/25/2010 DALLEN 00000017 5998735

01 FC:1599

1510.00 OP

OFFICE OF PETITIONS

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Patent Number: 5998735

Application Number: 09/128,614

Issue Date: Dec-7-1999

Filing Date: August 3, 1998

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

Also complete the following information, if applicable:

The above-identified patent:

☒ is a reissue of original Patent No. 5998735 original issue date Dec, 7-1999

original application number 09/128,614

original filing date Aug-3, 1998

☐ resulted from the entry into the U.S. under 35 U.S.C. 371 of international application
_____ filed on _____

2010 OCT 22 PM 3:55

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is

(1) being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 OR

(2) transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

14-Oct-10

Date

Paul L. Patterson Jr
Signature

Paul L. Patterson Jr
Typed or printed name of person signing Certificate

[Page 1 of 4]

This collection of information is required by 37 CFR 1.378(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

1. SMALL ENTITY

☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27

2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/> \$ _____	3 ½ yr fee	(1551)	<input type="checkbox"/> \$ _____	3 ½ yr fee	(2551)
<input type="checkbox"/> \$ _____	7 ½ yr fee	(1552)	<input type="checkbox"/> \$ _____	7 ½ yr fee	(2552)
<input type="checkbox"/> \$ _____	11 ½ yr fee	(1553)	<input type="checkbox"/> \$ _____	11 ½ yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ _____

4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(1) of \$ _____ (Fee Code 1557) must be paid as a condition of accepting unavoidably delayed payment of the maintenance fee.

SURCHARGE FEE BEING SUBMITTED \$ _____

5. MANNER OF PAYMENT

- ☒ Enclosed is a check for the sum of \$ 1510.00
- ☐ Please charge Deposit Account No. _____ the sum of \$ _____
- ☐ Payment by credit card. Form PTO-2038 is attached.

6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☐ The Director is hereby authorized to charge any maintenance fee, surcharge or petition fee deficiency to Deposit Account No. _____

7. OVERPAYMENT

As to any overpayment made, please

☐ Credit to Deposit Account No. _____

OR

☐ Send refund check

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

8. SHOWING

The enclosed statement will show that the delay in timely payment of the maintenance fee was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely and that this petition is being filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent. The statement must enumerate the steps taken to ensure timely payment of the maintenance fee, the date and the manner in which the patentee became aware of the expiration of the patent, and the steps taken to file the petition promptly.

9. PETITIONER(S) REQUESTS THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.

Paul L. Patterson Jr.
Signature(s) of Petitioner(s)

13-Oct-10
Date

Paul L. Patterson Jr.
Typed or printed name(s)

Registration Number, if applicable

402 S. Nile St
Address

720-281-0280
Telephone Number

Aurora, CO 80012
Address

ENCLOSURES:

- ☒ Maintenance Fee Payment
☒ Statement why maintenance fee was not paid timely
☒ Surcharge under 37 CFR 1.20(i)(1) (fee for filing the maintenance fee petition)
☐ Other: _____

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."


Signature

13-Oct-10
Date

Type or printed name

Registration Number, if applicable

STATEMENT

(In the space below, please provide the showing of unavoidable delay recited in paragraph 8 above.)

Statement attached.

(Please attach additional sheets if additional space is needed)



October 11, 2010

RECEIVED

OCT 27 2010

OFFICE OF PETITIONS

Commissioner for patents

United States Patent and trademark Office

P.O. Box 1450 Alexandria

VA 22313-1450

Dear Sir/Madam:

Subject: Petition to Accept Unavoidably Delayed Payment of Maintenance Fee of my expired Patent (37 CFR 1.378(b)) Patent #5998735

On October 2, 2011, I attended the "Mother of invention" where, much to my dismay, I was informed that I had to pay dues, otherwise my invention would expire. I immediately called the MDW Building in Room 7A58 and was informed that I needed to write an explanation to resolve my invention issues and to attain the reinstatement of my invention.

The following are explanations of my unavoidable circumstances and, hopefully, these will authorize the reinstatement of my invention:

While in the military and under the strenuous circumstances of war, coupled with my transfers to new duty stations, and then suffering my injury, I had no idea I was supposed to receive some kind of notice or request for renewal, to let me know I needed to update my maintenance fees for my invention, or I would risk losing it. I do not remember anything about this requirement. Unfortunately, during this time, I was in so much pain, stress, and medication, and, I had no idea that I had to pay for dues to keep my invention up to date as my understanding that my invention was exclusively mine for a period of twenty years.

I served in the United States Navy from 1993 until 2004. In 1997, I was based in Camp Pendleton, California, Assault Craft Unit Five and was transferred in January of 2000 to Guam to the Explosive Ordnance Disposal Military Unit Five. I was based in Guam until January of 2002 where I struggled to continue my education while on deployment for training exercises due to security lock downs. The Base was strictly secured due to the Twin Towers disaster. In 1999 everyone in the armed forces had to do extra duties, stand guard duties along with training exercises to prepare for war in top secret areas.

In January of 2002 I was sent to the Navy Diving and Salvage Training Center in Panama City, Florida, and in May of 2002, I was transferred to the West coast to San Diego, California, on the Anchorage LSD 36. I was on duty there for about three months preparing for deployment to the Middle East for war.

(Continue Reference Patent #(37 CFR 1.378(b)) Patent #5998735):

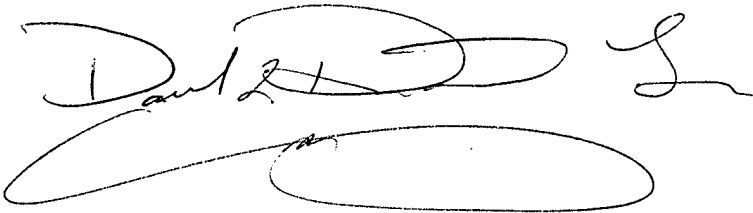
In March of 2003, while stationed in the Middle East, I was at the end of my enlistment period and tour of duty when I was injured. I was transferred back to the West Coast; San Diego, California, USA, and was at the Naval Medical Center where I remained for an extra year and a half passed my tour of duty. The end of my tour of duty was on June 16, 2004, due to my injuries. To this day, I remain under constant medication and care by the Veterans Administration.

To my knowledge, I did not receive any paperwork from the Patent Office indicating that they could not locate my whereabouts or realize I had to pay for maintenance fee dues. As a matter of fact, during this time my parents had moved and were also under the stress of my situation and circumstances; as well as, making numerous visits to me in California while I was under Navy Military medical care.

To date, I have yet to receive any paper work from the Patent and Trademark Office.

As described above, due to my unavoidable state of affairs throughout these past years, I am urgently requesting that my invention be reinstated without delay. I would appreciate notice of this as soon as possible in the form of the United States Postal Service, or via email.

Respectfully,



Paul L. Patterson, Jr.

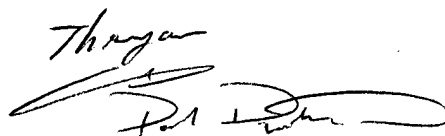
402 S Nile St.

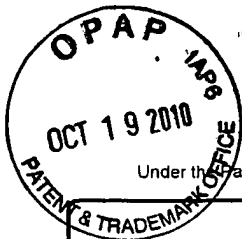
Aurora, CO 80012

Phone: 720-281-0280

Email: usa@usahotmail.com

I request that the following Rule be applied in compliance with 37 CFR 1.213(a) as is in the application, or ISSUANCE.





Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/47 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

"FEE ADDRESS" INDICATION FORM

RECEIVED

Address to:
Mail Stop M Correspondence
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Fax to:
571-273-6500

- OR -

OCT 27 2010
OFFICE OF PETITIONS

INSTRUCTIONS: The issue fee must have been paid for application(s) listed on this form. In addition, only an address represented by a Customer Number can be established as the fee address for maintenance fee purposes (hereafter, fee address). A fee address should be established when correspondence related to maintenance fees should be mailed to a different address than the correspondence address for the application. **When to check the first box below:** If you have a Customer Number to represent the fee address. **When to check the second box below:** If you have no Customer Number representing the desired fee address, in which case a completed Request for Customer Number (PTO/SB/125) must be attached to this form. For more information on Customer Numbers, see the Manual of Patent Examining Procedure (MPEP) § 403.

For the following listed application(s), please recognize as the "Fee Address" under the provisions of 37 CFR 1.363 the address associated with:

☐

Customer Number:

OR

☐

The attached Request for Customer Number (PTO/SB/125) form.

PATENT NUMBER (if known)	APPLICATION NUMBER
<input type="text"/>	<input type="text"/>

Completed by (check one):

☒

Applicant/Inventor

Paul L. Patterson Jr.
Signature

☐

Attorney or Agent of record _____
(Reg. No.)

Paul L. Patterson Jr.
Typed or printed name

☐

Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

720-281-0280
Requester's telephone number

☐

Assignee recorded at Reel _____ Frame _____

13-Oct-10
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒

* Total of 8 pages forms are submitted.

This collection of information is required by 37 CFR 1.363. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND COMPLETE D FORMS TO THIS ADDRESS. SEND TO: Mail Stop M Correspondence, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.